

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ELIZABETH ROSARIO AMARO,

Plaintiff,

v.

AGORI, INC.,

Defendant.

CASE NO.:

NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.A. §§
1331 and 1343(a)(4)

(FEDERAL QUESTION)

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO:**

Agori, Inc. (“Agori” or “defendant”), invoking federal jurisdiction under 28 U.S.C. § 1331, through its undersigned counsel, solely for purposes of this notice, by means of a special appearance, without submitting to this court's jurisdiction nor waiving any defense pertaining to this court's jurisdiction over the present matter, hereby respectfully notifies that it has removed this Title III of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, (the “ADA”) action from the Puerto Rico Court of First Instance, Humacao Superior Court, to the United States District Court for the District of Puerto Rico. In “a short and plain statement of the grounds for removal”, 28 U.S.C. § 1446(a), because the complaint invokes the ADA, this timely removal is warranted, and this Court should thus exercise its original jurisdiction over this action. In support hereof, Agori respectfully states as follows:

1. On January 7, 2021, a civil action was commenced by Mrs. Elizabeth Rosario Amaro (“plaintiff”) in the Puerto Rico Court of First Instance, Humacao Superior Court, entitled Elizabeth Rosario Amaro, Plaintiff vs. Agori, Inc., Defendant, Civil number HU2021CV00012.

2. Defendant was served with the summons on January 18, 2021 and received a copy of plaintiff's complaint. True and correct copies of “all process, pleadings, and orders” served on

Agori are attached as **Exhibit A**, in accordance with Local Civil Rule 5(c) and 28 U.S.C. §§ 1446(a), 1827.

3. Plaintiff further alleges Agori's failure to comply with the ADA and unlawful discrimination in a place of public accommodation in violation of the ADA. Plaintiff requests a permanent injunction under 42 U.S.C. § 12188 to enforce the rights she allegedly has as a disabled individual deterred from visiting a public accommodation because of architectural barriers in violation of the ADA. *See* 42 U.S.C. § 12101 *et seq.* See Complaint at 23. Plaintiff contends that injunction is necessary because Agori did not seek the removal of architectural barriers in violation of the ADA and the ADA Standards for Accessibility Guidelines promulgated by the United States Department of Justice. See Complaint ¶ 2.

4. Accordingly, plaintiff's claim is subject to removal by defendant pursuant to 28 U.S.C. § 1441 as "arising under" the laws of the United States, specifically the ADA. 28 U.S.C. §§ 1331 and 1343(a)(4). See Complaint at 23.

5. This notice and petition are timely filed within the provisions of 28 U.S.C. § 1446(b). In particular, Agori has effected removal within thirty (30) days of service of the Summons and Complaint.

NOTICE

6. Pursuant to 28 U.S.C. § 1446(d), Agori will notify plaintiff of this Notice of Removal by filing with the Humacao Superior Court a Notice of Filing of Notice of Removal. A copy of the Notice of Filing, which will be filed with the Humacao Superior Court, is attached hereto as **Exhibit B**.

WHEREFORE, pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Agori hereby gives Notice of Removal of the above captioned case to this Honorable Court and requests that the cause of action filed before the Puerto Rico Court of First Instance, Humacao Superior Court, Civil

number HU2021CV00012, entitled Elizabeth Rosario Amaro, Plaintiff vs. Agori, Inc., Defendant, proceed before this Court as an action properly removed.

Dated: February 15, 2021.

Respectfully submitted,

Agori, Inc.

By its attorney,

/s/Jaime L. Sanabria Montañez
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Notice of Removal was sent via email and certified mail to plaintiff's attorney of record in the state court proceedings at jvelez@velezlawgroup.com and 421 Ave. Muñoz Rivera #205, San Juan, P.R. 00918, respectively, and by filing it with the clerk of the Humacao Superior Court through its electronic filing system, which constitutes proper service to all parties under Puerto Rico law.

/s/Jaime L. Sanabria Montañez
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